

## Caitlin Wain

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**From:** Octavius Counts Sr <blessedhandsbycounts@gmail.com>  
**Sent:** Sunday, June 19, 2022 7:07 PM  
**To:** Wilhelm, Paul A.; Mark A. Fahleson; Caitlin Wain; zwart@ned.uscourts.gov  
**Subject:** Re: Case No. 8:21-cv-00338-JFB-CRZ -- Counts v. SPAR Group, Inc., et al  
**Attachments:** IMG\_20210711\_203402026.jpg; IMG\_20210712\_045327575.jpg; IMG\_20210611\_064940938\_HDR.jpg

### CAUTION - EXTERNAL:

Hi Magistrate Judge

I am writing in regards to my original complaint in which I stated that SPAR GROUP INC has failed to report any and all accidents occurred at their previous and/or present locations. Plaintiff Octavius Counts was working as a third party With SPAR GROUP INC. I have paperwork attached to this email that states whom I worked for , which is why I started pursuing SPAR GROUP INC. They did indeed fail to report this third party injury in which they were notified multiple times of, all in which I have evidence. Also in my original statement I stated SPAR GROUP INC workers being involved in touching the self causing the accident in which they failed to report and investigate. Richard Bailey was a Store Project Coach for WALMART that ordered two of SPAR GROUP INC employees to touch the self. SPAR GROUP INC Failed to report and investigate an accident that occurred with a third-party independent contractor worker for Survey.com whom partnered with SPAR GROUP INC. I would like to pursue a Trial amongst a Jury. I need it soon cause I need more medical treatments it's urgent and cost I can't afford.

Thanks for your time Magistrate Judge.

Left-hand corner says SPAR GROUP INC so defendants can stop telling me I'm incorrect this is the paperwork I signed every day for over a month and it clearly labels me in the MS# section as a Survey Rep and Survey above where my name is type which is third party and why I request a Trial.

On Tue, Jun 7, 2022, 11:00 AM Octavius Counts Sr <[blessedhandsbycounts@gmail.com](mailto:blessedhandsbycounts@gmail.com)> wrote:

Hi Magistrate Judge

I sent over those two Summons cause during the process of the amended complaint Walmart INC and Spar Marketing Force never received an initial Summons as they are now added to the case. If this procedure wasn't needed I apologize. I didn't want to leave them out so they can use little technical issues to try and get out of this Lawsuit. I would like to push for a trial I'm prepared and ready to show causes and effects by Defendants upon case. I am certain that all the evidence I have is enough to make this a easy solve civil trial case. Thanks Magistrate Judge for your time and have a blessed day.

Plaintiff: Octavius D Counts Sr

On Mon, Jun 6, 2022, 3:50 PM Wilhelm, Paul A. <[pwilhelm@clarkhill.com](mailto:pwilhelm@clarkhill.com)> wrote:

Magistrate Judge Zwart:

Mr. Fahleson and I write because we noticed at Dkt. #37 (today at 2:48 PM CDT) two Summons were filed and/or issued via the Clerk's office, on documents that appear to have been prepared and submitted by

Plaintiff. However, it's our understanding this is premature. Indeed, it's our understanding no operative complaint or amended complaint is currently on file and controlling in this matter, as the Findings and Recommendation of Your Honor, filed March 3, 2022 (Dkt. #32) have not been ruled upon or resolved by the District Judge (now Judge Bataillon, per the April 4, 2022 Order of reassignment); and Plaintiff filed a different, unauthorized amended complaint and (untimely) Objection on April 1, to which Defendant filed a response on April 14, 2022. No activity has occurred since then, until today's summonses being filed. Our goal is to avoid unnecessary work for all involved, and if you could please correct or have the Clerk correct this situation, we would be grateful. Thank you.

-Paul

**Paul A. Wilhelm**

Attorney at Law

**Clark Hill**

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**From:** Caitlin Wain <[Caitlin\\_Wain@ned.uscourts.gov](mailto:Caitlin_Wain@ned.uscourts.gov)>

**Sent:** Thursday, January 6, 2022 3:01 PM

**To:** Octavius Counts Sr <[blessedhandsbycounts@gmail.com](mailto:blessedhandsbycounts@gmail.com)>; [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov); Mark A. Fahleson <[MFahleson@remboltlawfirm.com](mailto:MFahleson@remboltlawfirm.com)>; Wilhelm, Paul A. <[pwilhelm@clarkhill.com](mailto:pwilhelm@clarkhill.com)>

**Subject:** RE: Octavius Counts Case # 8:21-CV-00338-BCB-CRZ

[External Message]

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Mr. Counts,

There is no need to apologize, we understand that you are learning the process. Please note that in the future any correspondence with the court must include opposing counsel, and opposing counsel will do the same. I have copied opposing counsel here so you have their contact information. Happy New Year to you all,

Caitlin E. Wain

Law Clerk to Magistrate Judge Cheryl R. Zwart

U.S. District Court for the District of Nebraska

[caitlin\\_wain@ned.uscourts.gov](mailto:caitlin_wain@ned.uscourts.gov)

Chambers Telephone: (402) 437-1670

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**From:** Octavius Counts Sr <[blessedhandsbycounts@gmail.com](mailto:blessedhandsbycounts@gmail.com)>

**Sent:** Thursday, January 6, 2022 10:44 AM

**To:** [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov)

**Subject:** Octavius Counts Case # 8:21-CV-00338-BCB-CRZ

**CAUTION - EXTERNAL:**

Hi Magistrate Judge Cheryl R. Zwart I want to apologize for not sending that copy of my complaint in with my motion. I had a misunderstanding I was thinking I had to send it after I got approved to Amend basis. I'm doing the best I can to get justice for what happened to me. I sent in another motion to amend complaint with the copy of amended complaint. Forgive me Your Honor please don't penalize me I'm not sure of what I'm doing. I'm doing all I can to fight back and learning along the way. I really appreciate your time and want to say Happy New Year's to you as well. Thank you

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

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# SPAR / WALMART

## Crew Sign In Log

Chain: 5800

Job#: 722881

### Task: 6

Senior Supervisor: Linda Kahele

\* Signature: I accept the responsibility to report my total hours daily to IVR & failure to do so will result in the delay of payment. I also hereby confirm that I did not experience any work related injuries, unless reported.

Total Hours =

**Confirmation #:**

# SPAR / WALMART

## Crew Sign In Log



Chain: 5800 Job#: 722881

Task: 6

Senior Supervisor: Linda Kahale

e: 7/11

Store #: 5141

City/State/Zip: Omaha, NE 68114

Rep-Sat thru Wed 8p-5a Survey

Print Name

MS #

Time  
InLunch  
OutLunch  
InTime  
OutTotal  
Hours

\*Signature end of each shift

andi Sucher SURV  
 ett Sucher SURV  
 metrius Eaton SURV  
 ravious ~~Surv~~ Counts SURV 8:15 12 1 5:00 8  
~~12:00~~  
 eresa Michelle Schieffer SURV 8:00 12:00 1:00 4:15  
 SURV SURV

Signature: I accept the responsibility to report my total hours daily to IVR & failure to do so will result in the delay of payment. I also hereby affirm that I did not experience any work related injuries, unless reported.

Total Hours =

Confirmation #:



Thursday night

2nd

# **SPAR / WALMART**

## **Survey Crew Sign In Log**

June 10<sup>th</sup>, 2021

Chain: 5800

Job#: 722881

### Task: 6

**Senior Supervisor: Linda Kahele**

Date: (01W/L)	Store #: 5141	City/State/Zip: Omaha, NE 68114						
Rep: Wed-Sun 10p-7a SURV	Print Name	MS #	Time In	Lunch Out	Lunch In	Time Out	Total Hours	*Signature end of each shift
Felicia Grant	<del>Georgie Potts</del>	SURV	<del>10pm</del>					
	Georgie Potts	SURV	10 pm	2	3	7 AM	8	<i>Georgie Potts</i>
	<del>Octavius Counts</del>	SURV	<del>10pm</del>	<del>2</del>	<del>3</del>	<del>7 Am</del>	<del>8</del>	<i>Octavius Counts</i>
	Nichole Edgar	SURV	10pm					
	Travis Davis	SURV	10pm					
	<del>Felicia Grant</del>	SURV	<del>10:10</del>	—	—	2:00	4	<i>Felicia Grant</i>
	Marc Anderson	SURV	10 pm	2:00 A	3:00A	6:15am	7hr 15min	<i>Marc Anderson</i>
	William Thomas	SURV	10pm	2:00	2:45	6:45am	6hr 45min	<i>William Thomas</i>
	<del>Dejean Franklin</del>	SURV	<del>10pm</del>	<del>2:00</del>	<del>3:00</del>	<del>6:15am</del>	<del>7hr 15min</del>	<i>Dejean Franklin</i>
	<del>Dejean Franklin</del>	<del>SURV</del>	<del>10pm</del>	<del>2:00</del>	<del>3:00</del>	<del>6:15am</del>	<del>7hr 15min</del>	<i>Dejean Franklin</i>

\* Signature: I accept the responsibility to report my total hours daily to IVR & failure to do so will result in the delay of payment. I also hereby confirm that I did not experience any work related injuries, unless reported.

Total Hours =

Confirmation #: